

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 FEDERAL TRADE COMMISSION;  
12 AND CALIFORNIA DEPARTMENT  
13 OF FINANCIAL PROTECTION &  
INNOVATION,

14 Plaintiffs,

15 v.  
16

17 GREEN EQUITABLE SOLUTIONS, a  
18 corporation, also d/b/a ACADEMY  
HOME SERVICES;

19 SOUTH WEST CONSULTING  
20 ENTERPRISES, INC., a corporation,  
21 also d/b/a ACADEMY HOME  
22 SERVICE, ATLANTIC PACIFIC  
23 SERVICE GROUP, GOLDEN HOME  
24 SERVICES OF AMERICA  
ENTERPRISES, and HOME MATTERS  
USA;

25 APEX CONSULTING & ASSOCIATES  
26 INC., a corporation, also d/b/a GOLDEN  
27 HOME SERVICES AMERICA and  
28 HOME MATTERS USA  
CONSULTING;

Case No. 2:22-cv-06499-FLA (MARx)

**ORDER GRANTING PLAINTIFFS'  
REQUEST FOR PRELIMINARY  
INJUNCTION WITH ASSET  
FREEZE AND EXTENDING  
AUTHORIZATION OF  
TEMPORARY RECEIVER  
THROUGH THE PENDENCY OF  
THE ACTION [DKT. 25]**

1 INFOCOM ENTERTAINMENT LTD,  
2 INC., a corporation, also d/b/a AMSTAR  
3 SERVICE GROUP, ATLANTIC  
4 PACIFIC SERVICE, and HOME  
5 RELIEF SERVICE OF AMERICA;  
6 DOMINIC AHIGA, a/k/a MICHAEL  
7 DOMINIC GRINNELL, individually  
8 and as an officer of GREEN  
9 EQUITABLE SOLUTIONS, SOUTH  
10 WEST CONSULTING ENTERPRISES,  
11 INC., and APEX CONSULTING &  
12 ASSOCIATES INC.;

13 AND ROGER SCOTT DYER,  
14 individually and as an officer of SOUTH  
15 WEST CONSULTING ENTERPRISES,  
16 INC., and INFOCOM  
17 ENTERTAINMENT LTD, INC.,

18 Defendants.

1 Plaintiffs Federal Trade Commission and California Department of Financial  
2 Protection and Innovation (collectively, “Plaintiffs”) have filed a Complaint for  
3 Permanent Injunction, Monetary Relief, and Other Relief pursuant to (1) Sections  
4 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b),  
5 57b; (2) the 2009 Omnibus Appropriations Act, Public Law 111-8, Section 626, 123  
6 Stat. 524, 678 (Mar. 11, 2009), as clarified by the Credit Card Accountability  
7 Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 511, 123 Stat.  
8 1734, 1763-64 (May 22, 2009), and amended by the Dodd-Frank Wall Street Reform  
9 and Consumer Protection Act, Public Law 111-203, Section 1097, 124 Stat. 1376,  
10 2102-03 (July 21, 2010), 12 U.S.C. § 5538; (3) the Telemarketing and Consumer  
11 Fraud and Abuse Prevention Act, 15 U.S.C. § 6101 et seq.; (4) the COVID-19  
12 Consumer Protection Act (“CCPA”), Public Law No. 116-260, 134 Stat. 1182, Title  
13 XIV, § 1401; and (5) the California Consumer Financial Protection Law (“CCFPL”),  
14 Cal. Fin. Code § 90000 et seq. against Defendants (a) Green Equitable Solutions, also  
15 doing business as Academy Home Services; (b) South West Consulting Enterprises,  
16 Inc., also doing business as Academy Home Service, Atlantic Pacific Service Group,  
17 Golden Home Services of America Enterprises, and Home Matters USA; (c) Apex  
18 Consulting & Associates Inc., also doing business as Golden Home Services America  
19 and Home Matters USA Consulting; (d) Infocom Entertainment Ltd, Inc., also doing  
20 business as Amstar Service Group, Atlantic Pacific Service, and Home Relief Service  
21 of America; (e) Dominic Ahiga, also known as Michael Grinnell; and (f) Roger Scott  
22 Dyer (collectively, “Defendants”).

23 On September 12, 2022, Plaintiffs filed an Ex Parte Application for a temporary  
24 restraining order (“TRO Application”), requesting the court to (1) enjoin Defendants  
25 from engaging in the conduct alleged in the Complaint, (2) freeze Defendants’ assets,  
26 authorize expedited discovery, and (3) appoint a temporary receiver over Defendants  
27 to preserve their assets for consumer redress. Dkt. 9. On September 14, 2022, the  
28 court (1) granted Plaintiffs’ Application, (2) appointed David P. Stapleton of Stapleton

1 Group (the “Receiver”) as temporary receiver of the Receivership Entities, with the  
2 full powers of an equity receiver, and (3) Ordered Defendants to appear before the  
3 court on September 28, 2022, at 9:00 a.m., to show cause (“OSC”) why the court  
4 should not enter a preliminary injunction against Defendants, pending the court’s final  
5 ruling on the Complaint, enjoining the violations of law alleged in the Complaint,  
6 continuing the freeze of Defendants’ assets, and imposing such additional relief as  
7 may be appropriate. Dkt. 25 (“September 14, 2022 Order”).

8 On September 26, 2022, Plaintiffs filed a supplemental brief in support of the  
9 OSC, as well as proof of service on Defendants of the Complaint, the TRO  
10 Application, and the court’s September 14, 2022 Order. Dkt. 30-34, 37-1, 37-2. That  
11 same date, the Receiver filed an Initial Report and Recommendations (“Initial  
12 Report”) (1) stating his document recovery and review efforts and asset identification  
13 and recovery efforts remained incomplete, (2) recommending the court authorize the  
14 Receiver to continue to perform his duties as established under the September 14,  
15 2022 Order, and (3) requesting leave to submit an additional First Interim Report  
16 within eight (8) weeks of the submission of the Initial Report, to address any progress  
17 made and conclusions reached by the Receiver and supplement his recommendations  
18 to the court. Dkt. 36 at 2-3. Defendants did not submit a response to the OSC.

19 The OSC came to hearing on September 28, 2022 at 9:00 a.m., with Plaintiffs  
20 and the Receiver present. Defendants did not appear at the hearing. After considering  
21 all relevant documents in the record, Plaintiffs and the Receiver’s statements at the  
22 hearing, and Defendants’ failure to file an opposition or to appear for the hearing on  
23 the OSC, the court finds good cause exists to GRANT Plaintiffs’ request for a  
24 preliminary injunction and to authorize the Receiver to continue to perform his duties,  
25 as established under the September 14, 2022 Order. The Receiver shall submit a First  
26 Interim Report within 60 days of this Order.

27 At the hearing, Plaintiffs requested additional time to file an amended  
28 complaint. After reviewing and considering the record and in light of the evidence of

1 Defendants' failure to comply with the court's September 14, 2022 Order and  
2 continued practice of the fraudulent conduct alleged, the court finds good cause exists  
3 to GRANT Plaintiffs' request and EXTENDS Plaintiffs' deadline to file an amended  
4 complaint to October 28, 2022.

### 5 **FINDINGS OF FACT**

6 Having considered the Complaint, the TRO Application and declarations,  
7 exhibits, and the memorandum of points and authorities filed in support thereof, the  
8 Receiver's Initial Report, Plaintiffs' supplemental brief, and the Receiver and  
9 Plaintiffs' statements at the OSC hearing, the court finds that:

10 A. The court has jurisdiction over the subject matter of this case, and there is  
11 good cause to believe that it will have jurisdiction over all parties hereto and that  
12 venue in this district is proper.

13 B. Since at least June 2018, Defendants have been deceptively advertising to  
14 consumers that, in exchange for large up-front payments, Defendants will negotiate  
15 with consumers' mortgage companies to make consumers' mortgage payments more  
16 affordable by lowering their interest rates and/or principal amounts. However, in  
17 numerous instances, Defendants failed to provide any of the advertised services and  
18 instead simply kept millions of dollars paid by consumers without further recourse.

19 C. There is good cause to believe that Defendants have engaged in and are  
20 likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C.  
21 § 45(a); the Mortgage Assistance Relief Services ("MARS") Rule, 12 C.F.R. § 1015;  
22 the CCPA, Pub. L. No. 116-260, Title XIV § 1401(b)(2); the Telemarketing Sales  
23 Rule ("TSR"), 16 C.F.R. Part 310; and the CCFPL, Cal. Fin. Code § 90000 et seq.  
24 Plaintiffs, therefore, are likely to prevail on the merits of this action. As demonstrated  
25 by the bank records, consumer declarations, consumer complaints, business records,  
26 and the additional documentation filed by Plaintiffs, Plaintiffs have established a  
27 likelihood of success in showing that Defendants have falsely, deceptively, and  
28 illegally marketed, advertised, and sold mortgage relief assistance services in violation

1 of the FTC Act, the MARS Rule, the CCPA, the TSR, and the CCFPL.

2 D. There is good cause to believe that immediate and irreparable harm will  
3 result from Defendants' ongoing violations of the FTC Act, the MARS Rule, the  
4 CCPA, the TSR, and the CCFPL unless Defendants are restrained and enjoined by  
5 order of the court.

6 E. There is good cause to believe that immediate and irreparable damage to  
7 the court's ability to grant effective final relief for consumers – including monetary  
8 restitution, rescission, disgorgement, or refunds – will occur from the sale, transfer,  
9 destruction, or other disposition or concealment by Defendants of their assets or  
10 records, unless the court grants the requested preliminary injunction.

11 F. Good cause exists for authorizing the Receiver to continue to perform his  
12 duties over the Receivership Entities with the full powers of an equity receiver and  
13 freezing Defendants' assets.

14 G. Weighing the equities and considering Plaintiffs' likelihood of ultimate  
15 success on the merits, a preliminary injunction with an asset freeze, the appointment  
16 of a temporary receiver, and other equitable relief is in the public interest.

17 H. The court has authority to issue this Order pursuant to Section 13(b) of  
18 the FTC Act, 15 U.S.C. § 53(b); California Financial Code § 90012; Federal Rule of  
19 Civil Procedure 65; and the All Writs Act, 28 U.S.C. § 1651.

20 I. No security is required of any agency of the United States for issuance of  
21 a preliminary injunction. Fed. R. Civ. P. 65(c).

## 22 **DEFINITIONS**

23 For the purpose of this Order, the following definitions shall apply:

24 A. **"Asset"** means any legal or equitable interest in, right to, or claim to, any  
25 property, wherever located and by whomever held.

26 B. **"Corporate Defendant(s)"** means Defendants Green Equitable  
27 Solutions, also doing business as Academy Home Services; South West Consulting  
28 Enterprises, Inc., also doing business as Academy Home Service, Atlantic Pacific

1 Service Group, Golden Home Services of America Enterprises, and Home Matters  
2 USA; Apex Consulting & Associates Inc., also doing business as Golden Home  
3 Services America and Home Matters USA Consulting; and Infocom Entertainment  
4 Ltd, Inc., also doing business as Amstar Service Group, Atlantic Pacific Service, and  
5 Home Relief Service of America; along with each of their subsidiaries, fictitious  
6 business names, affiliates, successors, and assigns.

7 C. **“Defendant(s)”** means the Corporate Defendants, Dominic Ahiga (a/k/a  
8 Michael Dominic Grinnell), and Roger Scott Dyer, individually, collectively, or in any  
9 combination.

10 D. **“Document”** is synonymous in meaning and equal in scope to the usage  
11 of “document” and “electronically stored information” in Federal Rule of Civil  
12 Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, sound  
13 and video recordings, images, Internet sites, web pages, websites, electronic  
14 correspondence, including e-mail and instant messages, contracts, accounting data,  
15 advertisements, FTP Logs, Server Access Logs, books, written or printed records,  
16 handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal  
17 and business canceled checks and check registers, bank statements, appointment  
18 books, computer records, customer or sales databases and any other electronically  
19 stored information, including Documents located on remote servers or cloud  
20 computing systems, and other data or data compilations from which information can  
21 be obtained directly or, if necessary, after translation into a reasonably usable form. A  
22 draft or non-identical copy is a separate document within the meaning of the term.

23 E. **“Electronic Data Host”** means any person or entity in the business of  
24 storing, hosting, or otherwise maintaining electronically stored information. This  
25 includes, but is not limited to, any entity hosting a website or server, and any entity  
26 providing “cloud based” electronic storage.

27 F. **“Individual Defendant(s)”** means Roger Scott Dyer and Dominic Ahiga  
28 (a/k/a Michael Dominic Grinnell), individually, collectively, or in any combination.

G. **“National Do Not Call Registry”** means the registry of telephone numbers maintained by the FTC, pursuant to Section 310.4(b)(1)(iii)(B) of the TSR, 16 C.F.R. § 310.4(b)(1)(iii)(B), of persons who do not wish to receive Outbound Telephone Calls to induce the purchase of goods or services.

H. **“Outbound Telephone Call”** means a telephone call initiated by a Telemarketer to induce the purchase of goods or services to solicit a charitable contribution.

I. **“Receiver”** means the temporary receiver appointed in Section XII of this Order and any deputy receivers that shall be named by the temporary receiver.

J. **“Receivership Entities”** means Corporate Defendants as well as any other entity that has conducted any business related to Defendants’ alleged mortgage assistance relief services, including receipt of Assets derived from any activity that is the subject of the Complaint in this matter, and that the Receiver determines is controlled or owned by any Defendant.

K. **“Telemarketer”** means any person who, in connection with Telemarketing, initiates or receives telephone calls to or from a customer or donor.

L. **“Telemarketing”** means any plan, program, or campaign that is conducted to induce the purchase of goods or services or a charitable contribution by use of one or more telephones.

## ORDER

## I. PROHIBITED MISREPRESENTATIONS AND OMISSIONS

**IT IS THEREFORE ORDERED** that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, are restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including, but not limited to:



1           A.     That a consumer who purchases Defendants' services will receive a  
2 reduction in their mortgage interest rate, principal amount, or monthly mortgage  
3 payment;

4           B.     That a consumer who purchases Defendants' services should not  
5 communicate with their lender or any other financial institution in connection with  
6 their mortgage;

7           C.     That a consumer who purchases Defendants' services is not obligated to,  
8 or should not make, scheduled periodic payments or any other payments pursuant to  
9 the terms of the consumer's mortgage;

10          D.     That a consumer who purchases Defendants' services is protected from  
11 foreclosure and cannot be foreclosed on while paying for Defendants' services;

12          E.     That Defendants' services are subject to a "money-back" guarantee in  
13 which a consumer will receive all of their money back if Defendants are unsuccessful  
14 in accomplishing any represented mortgage loan modification services or result;

15          F.     That Defendants are part of or affiliated with, endorsed or approved by,  
16 or are otherwise associated with the United States government, a governmental  
17 homeowner assistance plan, or a Federal, State, or local government agency, unit, or  
18 department;

19          G.     That Defendants are associated with any government programs related to  
20 the COVID-19 pandemic; and

21          H.     Any other fact material to consumers concerning any good or service,  
22 such as: the total costs; any material restrictions, limitations, or conditions; or any  
23 material aspect of its performance, efficacy, nature, or central characteristics.

## 24   **II.   PROHIBITED BUSINESS ACTIVITIES**

25           **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
26 employees, and attorneys, and all other persons in active concert or participation with  
27 any of them, who receive actual notice of this Order, whether acting directly or  
28 indirectly, are hereby restrained and enjoined from:

1           A.     Requesting or receiving payment of any fee or other consideration for  
 2 any mortgage assistance relief service before the consumer has executed a written  
 3 agreement with the consumer's loan holder or servicer incorporating the offer of  
 4 mortgage assistance relief that Defendant(s) obtained from the loan holder or servicer  
 5 on the consumer's behalf.

6           B.     Failing to disclose the following information in all general commercial  
 7 communications regarding mortgage assistance relief services:

8                 1.     "[Name of Company] is not associated with the government, and  
 9 our service is not approved by the government or your lender."

10                2.     "Even if you accept this offer and use our service, your lender may  
 11 not agree to change your loan."

12           C.     Failing to disclose the following information in all consumer-specific  
 13 commercial communications regarding mortgage assistance relief services:

14                1.     "[Name of Company] is not associated with the government, and  
 15 our service is not approved by the government or your lender."

16                2.     "You may stop doing business with us at any time. You may  
 17 accept or reject the offer of mortgage assistance we obtain from your lender [or  
 18 servicer]. If you reject the offer, you do not have to pay us. If you accept the  
 19 offer, you will have to pay us [insert amount or method for calculating the  
 20 amount] for our services."

21                3.     "Even if you accept this offer and use our service, your lender may  
 22 not agree to change your loan."

23                4.     "If you stop paying your mortgage, you could lose your home and  
 24 damage your credit rating."

25           D.     Initiating, or causing others to initiate, an Outbound Telephone Call to a  
 26 person whose telephone number is on the National Do Not Call Registry.

27           E.     Initiating, or causing others to initiate, an Outbound Telephone Call to a  
 28 telephone number within a given area code where Defendants have not, either directly

1 or through another person, paid the required annual fee for access to the telephone  
2 numbers within that area code that are included on the National Do Not Call Registry.

3 **III. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

4 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
5 employees, and attorneys, and all other persons in active concert or participation with  
6 any of them, who receive actual notice of this Order, whether acting directly or  
7 indirectly, are hereby temporarily restrained and enjoined from:

8 A. Selling, renting, leasing, transferring, or otherwise disclosing, the name,  
9 address, birth date, telephone number, email address, credit card number, bank  
10 account number, Social Security number, or other financial or identifying information  
11 of any person that any Defendant obtained in connection with any activity that  
12 pertains to the subject matter of this Order; and

13 B. Benefitting from or using the name, address, birth date, telephone  
14 number, email address, credit card number, bank account number, Social Security  
15 number, or other financial or identifying information of any person that any Defendant  
16 obtained in connection with any activity that pertains to the subject matter of this  
17 Order, provided, however, that Defendants may disclose such identifying information  
18 to a law enforcement agency, to their attorneys as required for their defense, as  
19 required by any law, regulation, or court order, or in any filings, pleadings or  
20 discovery in this action in the manner required by the Federal Rules of Civil  
21 Procedure and any protective order in the case.

22 **IV. ASSET FREEZE**

23 **IT IS FURTHER ORDERED** that Defendants and their officers, agents,  
24 employees, and attorneys, and all other persons in active concert or participation with  
25 any of them, who receive actual notice of this Order, whether acting directly or  
26 indirectly, are hereby temporarily restrained and enjoined from:

27 A. Transferring, liquidating, converting, encumbering, pledging, loaning,  
28 selling, concealing, dissipating, disbursing, assigning, relinquishing, spending,

1 withdrawing, granting a lien or security interest or other interest in, or otherwise  
2 disposing of any Assets that are:

- 3 1. Owned or controlled, directly or indirectly, by any Defendant;
- 4 2. Held, in part or in whole, for the benefit of any Defendant;
- 5 3. In the actual or constructive possession of any Defendant; or
- 6 4. Owned or controlled by, in the actual or constructive possession of,  
7 or otherwise held for the benefit of, any corporation, partnership, asset  
8 protection trust, or other entity that is directly or indirectly owned, managed, or  
9 controlled by any Defendant.

10 B. Opening or causing to be opened any safe deposit boxes, commercial  
11 mail boxes, or storage facilities titled in the name of any Defendant or subject to  
12 access by any Defendant, except as necessary to comply with written requests from  
13 the Receiver acting pursuant to its authority under this Order;

14 C. Incurring charges or cash advances on any credit, debit, or ATM card  
15 issued in the name, individually or jointly, of any Corporate Defendant or any  
16 corporation, partnership, or other entity directly or indirectly owned, managed, or  
17 controlled by any Defendant or of which any Defendant is an officer, director,  
18 member, or manager. This includes any corporate bankcard or corporate credit card  
19 account for which any Defendant is, or was on the date that this Order was signed, an  
20 authorized signor; or

21 D. Cashing any checks or depositing any money orders or cash received  
22 from consumers, clients, or customers of any Defendant.

23 The Assets affected by this Section shall include: (1) all Assets of Defendants  
24 as of the time this Order is entered; and (2) Assets obtained by Defendants after this  
25 Order is entered if those Assets are derived from any activity that is the subject of the  
26 Complaint in this matter or that is prohibited by this Order. This Section does not  
27 prohibit any transfers to the Receiver or repatriation of foreign Assets specifically  
28 required by this Order.

1    **V.    DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

2        **IT IS FURTHER ORDERED** that any financial or brokerage institution,  
3    Electronic Data Host, credit card processor, payment processor, merchant bank,  
4    acquiring bank, independent sales organization, third party processor, payment  
5    gateway, insurance company, business entity, or person who receives actual notice of  
6    this Order (by service or otherwise) that:

7        (a) has held, controlled, or maintained custody, through an account or  
8    otherwise, of any Document on behalf of any Defendant or any Asset that has been  
9    owned or controlled, directly or indirectly, by any Defendant; held, in part or in  
10   whole, for the benefit of any Defendant; in the actual or constructive possession of  
11   any Defendant; or owned or controlled by, in the actual or constructive possession of,  
12   or otherwise held for the benefit of, any corporation, partnership, asset protection  
13   trust, or other entity that is directly or indirectly owned, managed or controlled by any  
14   Defendant;

15        (b) has held, controlled, or maintained custody, through an account or  
16   otherwise, of any Document or Asset associated with credits, debits, or charges made  
17   on behalf of any Defendant, including reserve funds held by payment processors,  
18   credit card processors, merchant banks, acquiring banks, independent sales  
19   organizations, third party processors, payment gateways, insurance companies, or  
20   other entities; or

21        (c) has extended credit to any Defendant, including through a credit card  
22   account, shall:

23        A.    Hold, preserve, and retain within its control and prohibit the withdrawal,  
24   removal, alteration, assignment, transfer, pledge, encumbrance, disbursement,  
25   dissipation, relinquishment, conversion, sale, or other disposal of any such Document  
26   or Asset, as well as all Documents or other property related to such Assets, except by  
27   further order of the court, provided, however, that this provision does not prohibit an  
28   Individual Defendant from incurring charges on a personal credit card established

1 prior to entry of this Order, up to the pre-existing credit limit;

2 B. Deny any person, except the Receiver, access to any safe deposit box,  
3 commercial mail box, or storage facility that is titled in the name of any Defendant,  
4 either individually or jointly, or otherwise subject to access by any Defendant;

5 C. Provide Plaintiffs' counsel and the Receiver, within three (3) days of  
6 receiving a copy of this Order, a sworn statement setting forth, for each Asset or  
7 account covered by this Section:

8 1. The identification number of each such account or Asset;

9 2. The balance of each such account, or a description of the nature  
10 and value of each such Asset as of the close of business on the day on which  
11 this Order is served, and, if the account or other Asset has been closed or  
12 removed, the date closed or removed, the total funds removed to close the  
13 account, and the name of the person or entity to whom such account or other  
14 Asset was remitted; and

15 3. The identification of any safe deposit box, commercial mail box, or  
16 storage facility that is either titled in the name, individually or jointly, of any  
17 Defendant, or is otherwise subject to access by any Defendant; and

18 D. Upon the request of Plaintiffs' counsel or the Receiver, promptly provide  
19 Plaintiffs' counsel and the Receiver with copies of all records or other Documents  
20 pertaining to any account covered by this Section or Asset, including originals or  
21 copies of account applications, account statements, signature cards, checks, drafts,  
22 deposit tickets, transfers to and from the accounts, including wire transfers and wire  
23 transfer instructions, all other debit and credit instruments or slips, currency  
24 transaction reports, 1099 forms, and all logs and records pertaining to safe deposit  
25 boxes, commercial mail boxes, and storage facilities, provided, however, that this  
26 Section does not prohibit any transfers to the Receiver or repatriation of foreign  
27 Assets specifically required by this Order.

28 ///

1 **VI. NON-INTERFERENCE WITH REPATRIATION**

2 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
 3 employees, and attorneys, and all other persons in active concert or participation with  
 4 any of them, who receive actual notice of this Order, whether acting directly or  
 5 indirectly, are hereby restrained and enjoined from taking any action, directly or  
 6 indirectly, which may result in the encumbrance or dissipation of foreign Assets, or in  
 7 the hindrance of the repatriation required by this Order, including, but not limited to:

8 A. Sending any communication or engaging in any other act, directly or  
 9 indirectly, that results in a determination by a foreign trustee or other entity that a  
 10 "duress" event has occurred under the terms of a foreign trust agreement until such  
 11 time that all Defendants' Assets have been fully repatriated pursuant to this Order; or

12 B. Notifying any trustee, protector or other agent of any foreign trust or  
 13 other related entities of either the existence of this Order, or of the fact that  
 14 repatriation is required pursuant to a court order, until such time that all Defendants'  
 15 Assets have been fully repatriated pursuant to this Order.

16 **VII. CONSUMER CREDIT REPORTS**

17 **IT IS FURTHER ORDERED** that Plaintiffs may obtain credit reports  
 18 concerning any Defendant pursuant to Section 604(a)(1) of the Fair Credit Reporting  
 19 Act, 15 U.S.C. § 1681b(a)(1), and that, upon written request, any credit reporting  
 20 agency from which such reports are requested shall provide them to Plaintiffs.

21 **VIII. PRESERVATION OF RECORDS**

22 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
 23 employees, and attorneys, and all other persons in active concert or participation with  
 24 any of them, who receive actual notice of this Order, whether acting directly or  
 25 indirectly, are hereby restrained and enjoined from:

26 A. Destroying, erasing, falsifying, writing over, mutilating, concealing,  
 27 altering, transferring, or otherwise disposing of, in any manner, directly or indirectly,  
 28 Documents that relate to: (1) the business, business practices, Assets, or business or



1 personal finances of any Defendant; (2) the business practices or finances of entities  
2 directly or indirectly under the control of any Defendant; or (3) the business practices  
3 or finances of entities directly or indirectly under common control with any other  
4 Defendant; and

5 B. Failing to create and maintain Documents that, in reasonable detail,  
6 accurately, fairly, and completely reflect Defendants' incomes, disbursements,  
7 transactions, and use of Defendants' Assets.

#### 8 **IX. REPORT OF NEW BUSINESS ACTIVITY**

9 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
10 employees, and attorneys, and all other persons in active concert or participation with  
11 any of them, who receive actual notice of this Order, whether acting directly or  
12 indirectly, are hereby restrained and enjoined from creating, operating, or exercising  
13 any control over any business entity, whether newly formed or previously inactive,  
14 including any partnership, limited partnership, joint venture, sole proprietorship, or  
15 corporation, without first providing Plaintiffs' counsel and the Receiver with a written  
16 statement disclosing: (1) the name of the business entity; (2) the address and telephone  
17 number of the business entity; (3) the names of the business entity's officers,  
18 directors, principals, managers, and employees; and (4) a detailed description of the  
19 business entity's intended activities.

#### 20 **X. TEMPORARY RECEIVER**

21 **IT IS FURTHER ORDERED** that David P. Stapleton of Stapleton Group's  
22 appointment as temporary receiver of the Receivership Entities with full powers of an  
23 equity receiver is EXTENDED through the pendency of this action. The Receiver's  
24 duties and authority as Receiver are stated in the court's September 14, 2022 Order.  
25 Dkt. 25. The Receiver shall be solely the agent of the court in acting as Receiver  
26 under this Order.

27 ///

28 ///



**XI. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

**IT IS FURTHER ORDERED** that Defendants and any other person, with possession, custody or control of property of, or records relating to, the Receivership Entities shall, upon notice of this Order by personal service or otherwise, fully cooperate with and assist the Receiver in taking and maintaining possession, custody, or control of the Assets and Documents of the Receivership Entities and immediately transfer or deliver to the Receiver possession, custody, and control of, the following:

A. All Assets held by or for the benefit of the Receivership Entities;

B. All Documents or Assets associated with credits, debits, or charges made on behalf of any Receivership Entity, wherever situated, including reserve funds held by payment processors, credit card processors, merchant banks, acquiring banks, independent sales organizations, third party processors, payment gateways, insurance companies, or other entities;

C. All Documents of or pertaining to the Receivership Entities;

D. All computers, electronic devices, mobile devices and machines used to conduct the business of the Receivership Entities;

E. All Assets and Documents belonging to other persons or entities whose interests are under the direction, possession, custody, or control of the Receivership Entities; and

F. All keys, codes, user names and passwords necessary to gain or to secure access to any Assets or Documents of or pertaining to the Receivership Entities, including access to their business premises, means of communication, accounts, computer systems (onsite and remote), Electronic Data Hosts, or other property.

In the event any person or entity fails to deliver or transfer any Asset or Document, or otherwise fails to comply with any provision of this Section, the Receiver may file an Affidavit of Non-Compliance regarding the failure and a motion seeking compliance or a contempt citation.

///

## **XII. COOPERATION WITH THE RECEIVER**

**IT IS FURTHER ORDERED** that Defendants; Receivership Entities; Defendants' or Receivership Entities' officers, agents, employees, and attorneys, all other persons in active concert or participation with any of them, and any other person with possession, custody, or control of property of or records relating to the Receivership entities who receive actual notice of this Order shall fully cooperate with and assist the Receiver. This cooperation and assistance shall include, but is not limited to, providing information to the Receiver that the Receiver deems necessary to exercise the authority and discharge the responsibilities of the Receiver under this Order; providing any keys, codes, user names and passwords required to access any computers, electronic devices, mobile devices, machines (onsite or remotely), and any cloud account (including specific method to access account) or electronic file in any medium; advising all persons who owe money to any Receivership Entity that all debts should be paid directly to the Receiver; and transferring funds at the Receiver's direction and producing records related to the Assets and sales of the Receivership Entities.

## **XIII. NON-INTERFERENCE WITH THE RECEIVER**

**IT IS FURTHER ORDERED** that Defendants, Receivership Entities, Defendants' or Receivership Entities' officers, agents, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, and any other person served with a copy of this Order, are hereby restrained and enjoined from directly or indirectly:

A. Interfering with the Receiver's efforts to manage, or take custody, control, or possession of, the Assets or Documents subject to the receivership;

B. Transacting any of the business of the Receivership Entities;

C. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any Assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the

1 Receivership Entities; or

2 D. Refusing to cooperate with the Receiver or the Receiver's duly  
3 authorized agents in the exercise of their duties or authority under any order of the  
4 court.

5 **XIV. STAY OF ACTIONS**

6 **IT IS FURTHER ORDERED** that, except by leave of the court, during the  
7 pendency of the receivership ordered herein, Defendants, Defendants' officers, agents,  
8 employees, attorneys, and all other persons in active concert or participation with any  
9 of them, who receive actual notice of this Order, and their corporations, subsidiaries,  
10 divisions, or affiliates, and all investors, creditors, stockholders, lessors, customers  
11 and other persons seeking to establish or enforce any claim, right, or interest against or  
12 on behalf of Defendants, and all others acting for or on behalf of such persons, are  
13 hereby enjoined from taking action that would interfere with the exclusive jurisdiction  
14 of the court over the Assets or Documents of the Receivership Entities, including, but  
15 not limited to:

16 A. Filing or assisting in the filing of a petition for relief under the  
17 Bankruptcy Code, 11 U.S.C. § 101 et seq., or of any similar insolvency proceeding on  
18 behalf of the Receivership Entities;

19 B. Commencing, prosecuting, or continuing a judicial, administrative, or  
20 other action or proceeding against the Receivership Entities, including the issuance or  
21 employment of process against the Receivership Entities, except that such actions may  
22 be commenced if necessary to toll any applicable statute of limitations;

23 C. Filing or enforcing any lien on any asset of the Receivership Entities,  
24 taking or attempting to take possession, custody, or control of any Asset of the  
25 Receivership Entities; or attempting to foreclose, forfeit, alter, or terminate any  
26 interest in any Asset of the Receivership Entities, whether such acts are part of a  
27 judicial proceeding, are acts of self-help, or otherwise.

28 ///

1 This Order does not stay: (1) the commencement or continuation of a criminal  
2 action or proceeding; (2) the commencement or continuation of an action or  
3 proceeding by a governmental unit to enforce such governmental unit's police or  
4 regulatory power; or (3) the enforcement of a judgment, other than a money judgment,  
5 obtained in an action or proceeding by a governmental unit to enforce such  
6 governmental unit's police or regulatory power.

7 **XV. DISTRIBUTION OF ORDER BY DEFENDANTS**

8 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a  
9 copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor,  
10 assign, member, officer, director, employee, agent, independent contractor, client,  
11 attorney, spouse, subsidiary, division, and representative of any Defendant, and shall,  
12 within ten (10) days from the date of entry of this Order, provide Plaintiffs and the  
13 Receiver with a sworn statement that this provision of the Order has been satisfied,  
14 which statement shall include the names, physical addresses, phone number, and email  
15 addresses of each such person or entity who received a copy of the Order.

16 Furthermore, Defendants shall not take any action that would encourage  
17 officers, agents, members, directors, employees, salespersons, independent  
18 contractors, attorneys, subsidiaries, affiliates, successors, assigns or other persons or  
19 entities in active concert or participation with them to disregard this Order or believe  
20 that they are not bound by its provisions.

21 **XVI. COMPLIANCE WITH THE COURT'S SEPTEMBER 14, 2022 ORDER**

22 **IT IS FURTHER ORDERED** that Defendants shall comply immediately  
23 with all provisions of the court's September 14, 2022 Order (Dkt. 25), with which  
24 they have not yet complied, including but not limited to the provisions regarding  
25 financial asset disclosure, foreign asset repatriation, turnover of business records,  
26 provision of information to the Receiver, full cooperation with the Receiver, and  
27 responding to discovery.

28 ///

1 **XVII. SERVICE OF THIS ORDER**


2 **IT IS FURTHER ORDERED** that Plaintiffs shall serve a copy of this Order  
3 on Defendants, within seven (7) days of this Order. Copies of this Order may be  
4 served by any means, including facsimile transmission, electronic mail or other  
5 electronic messaging, personal or overnight delivery, U.S. Mail or FedEx, by agents  
6 and employees of Plaintiffs, by any law enforcement agency, or by private process  
7 server, upon any Defendant or any person (including any financial institution) that  
8 may have possession, custody or control of any Asset or Document of any Defendant,  
9 or that may be subject to any provision of this Order pursuant to Rule 65(d)(2) of the  
10 Federal Rules of Civil Procedure. For purposes of this Section, service upon any  
11 branch, subsidiary, affiliate or office of any entity shall effect service upon the entire  
12 entity.

13 **XIV. DURATION OF THE ORDER**

14 **IT IS FURTHER ORDERED** that this Order shall remain binding on parties  
15 and nonparties throughout the pendency of this action, and until the court issues a  
16 final ruling on the allegations of the Complaint.

17  
18 IT IS SO ORDERED.

19  
20 Dated: September 29, 2022

21   
22 FERNANDO L. AENLLE-ROCHA  
23 United States District Judge  
24  
25  
26  
27  
28